AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

DISTRICT OF NEW JERSEY

United States of America
v.
MICHELLE DAVIS

Defendant(s)

Case No. 13-1044

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of JUNE 30, 2009 in the county of SALEM in the ______ District of NEW JERSEY, the defendant(s) violated:

Code Section	*Offense Description*
Title 18, United States Code, Section 1001(a)(1)	SEE ATTACHMENT A

This criminal complaint is based on these facts:

SEE ATTACHMENT B

☑ Continued on the attached sheet.

[signature]
Complainant's signature

Clyde Parsons, Special Agent OIG, DHS
Printed name and title

Sworn to before me and signed in my presence.

Date: 10/16/2013

[signature]
Judge's signature

City and state: Camden, NJ

Hon. Ann Marie Donio, U.S. Magistrate Judge
Printed name and title

CONTENTS APPROVED

UNITED STATES ATTORNEY

By: ______________________
Special Assistant U.S. Attorney Maria M. Carrillo
Date: October 16, 2013

ATTACHMENT A

On or about June 30, 2009, in Salem County, in the District of New Jersey, defendant

MICHELLE DAVIS

in a matter within the jurisdiction of the United States Department of Homeland Security, an agency of the executive branch of the United States, knowingly and willfully concealed a material fact and made a materially false, fictitious, and fraudulent statement and representation in that defendant DAVIS asserted that she did not know HONG KHUN when she did know him.

In violation of Title 18, United States Code, Section 1001(a)(1).

ATTACHMENT B

I, Clyde J. Parsons, Special Agent, Department of Homeland Security, Office of the Inspector General ("DHS-OIG"), having been duly sworn, do depose and state the following:

INTRODUCTION

(1) I am an investigator and law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and to make arrests for the offenses enumerated in Title 18, United States Code, and other related offenses.

(2) I have been employed as a Special Agent with DHS-OIG since 2007 and I am currently assigned to the Philadelphia Field Office, which is primarily responsible for investigating allegations against DHS employees throughout the Northeast Region of the United States. I have conducted investigations involving public corruption, bribery and immigration violations. Through my training and investigations, I have become familiar with various methods and schemes used by corrupt employees to circumvent government policy, procedures and criminal laws. As part of my duties as a Special Agent with DHS-OIG, my responsibilities include investigating criminal activity involving program benefit fraud related to all the DHS programs, including benefit programs of the United States Citizenship and Immigration Services ("USCIS").

(3) I make this criminal complaint, in part, on personal knowledge derived from my participation in this investigation and, in part, upon information and belief. The sources of my information and belief are oral and written reports about this and other investigations, which have been received, directly or indirectly, from agents and officers,

including special agents of DHS, Immigration Officers assigned to the USCIS Office of Fraud Detection and National Security ("OFDNS") and other law enforcement agencies.

PURPOSE

(4) This affidavit is submitted in support of a complaint and arrest warrant for MICHELLE LEIGH DAVIS due to her false statements to a federal officer, in violation of Title 18, United States Code, Section 1001(a)(2), on or about June 30, 2009, within the District of New Jersey. The false statements were made by Davis during an investigation into immigration fraud based on marriage fraud.

FACTS

(5) In March 2003, Davis traveled to Cambodia for approximately one week.

(6) In April 2003, Davis filed a Petition for Alien Fiancé(e) ("I-129F") requesting that her alleged fiancé, Hong Khun, a citizen of Cambodia, be granted a visa for admission into the United States from Cambodia. In her petition, Davis stated that in March 2003, while in Cambodia, she became engaged to marry Khun. She also stated that for two years prior to the engagement, while she was in the United States and he was in Cambodia, she and Khun communicated by telephone.

(7) On December 23, 2003, USCIS approved Davis's request and granted an I-129F visa to Hong Khun. On December 28, 2003, Khun entered the United States from Cambodia with this I-129F visa.

(8) On January 16, 2004, Davis married Khun in Salem, New Jersey. On June 9, 2004, Khun filed an Application to Register Permanent Residence or Adjust Status ("I-485"). On March 3, 2006, USCIS approved the I-485 application and Khun was granted legal permanent resident ("LPR") status. Khun's LPR status in the United States is

designated by USCIS as an IF1, which is for an alien who receives residency as the result of a valid marriage after entering the United States as a fiancé or fiancée of a United States citizen.

(9) USCIS identifies any person who is not a citizen or national of the United States as an alien. An alien is given an "Alien number" or an "A number" once he or she enters or attempts to enter the United States. Any petitions filed by or on behalf of that alien then are filed under that alien number. Khun's alien file ("A-File") contains the petitions described above and documents submitted in support of those petitions, which include photographs of Davis and Khun.

(10) An investigation by OFDNS revealed that Davis and Khun did not live together before or after their wedding. Following his admission into the United States, Khun resided in Philadelphia, Pennsylvania at an address on N. Front Street,. At the time of Khun's admission into the United States, Davis resided in New Jersey with her then girlfriend, Latysa Davis,. At the time of the alleged wedding between Davis and Khun, Davis still resided with Young. Khun later moved to another address in Philadelphia, Pennsylvania located on 7th Street, and Davis continued to live in New Jersey.

(11) On June 30, 2009, as part of an investigation into the alleged fraudulent nature of the marriage between Davis and Khun, Special Agent Julio Santana of DHS-OIG, and Immigration Officer Bryan Dawson Davis interviewed Davis at her residence in Penns Grove, New Jersey. When the agents arrived at the residence, an immediate family member of Davis, sharing her last name and identified as her parent, answered the door.

(11) The parent confirmed that Davis lived at the house, and gave the agents

permission to enter. The parent then called upstairs for Davis, and asked her to come downstairs, which she did. The agents showed Davis a photocopy of a picture of herself that she submitted with her I-129F visa petition. Davis confirmed that she was the person depicted in the photograph. Davis was asked if she had any photo identification; she replied that she did not. Davis was informed of the consequences of lying to a federal law enforcement officer. She was then asked about the nature of her relationship with Khun. Davis responded by saying "I don't know what you are talking about," became noticeably agitated, and began to raise her voice. Davis was then asked questions to confirm her identity. Davis stated that the wrong Michelle Davis was being interviewed and denied knowing Khun. Davis was asked if she had filed an immigration petition for Khun. Davis stated that she had never filed an immigration petition, and stated "I don't know what you are talking about." At that time, the parent, who was present in the room during the interview asked, "What petition?" and confronted Davis by asking her what the questions were all about. Davis then asked the agents to leave the house. While Davis started up the stairs she asked her parent, "Why did you let people like this in the house?" Davis then instructed her parent not to speak to the agents. Davis was once again informed of the penalties for lying to a federal officer.

(12) Special Agent Julio Santana identified the Michelle Davis whom he interviewed on June 30, 2009 as the same Michelle Davis who married Khun on January 14, 2004, and who applied for Kuhn's I-129F visa for admission into the United States, based on the photographs of Davis in Khun's alien file. In the photographs in the file, Davis has a distinctive tattoo, which Agent Santana observed on June 30, 2009. Agent Santana reviewed New Jersey driver's license records for Michelle Davis, which

identified her residence to be the same Penns Grove, New Jersey residence where she was interviewed on June 30, 2009. Agent Santana also recognized the photograph on the driver's license as that of the person he interviewed on June 30, 2009, and the person who is identified in Khun's A-file as Khun's wife.

(13) On January 22, 2010, Special Agent Santana and Immigration Officer Dawson again attempted to interview Davis at her residence in Penns Grove, New Jersey. Davis answered the door and stated, "She is not here. I told you the last time you were here." Davis then terminated the interview.

(14) On April 23, 2013, I interviewed Davis. Davis admitted that she married Khun for money with the sole intention of enabling him to immigrate to the United States from Cambodia and obtain his permanent residency. She stated that she never intended to have a relationship with Khun as husband and wife, and that the marriage was fraudulent. Davis stated that she and Khun never lived together. She admitted that she lied to agents on June 30, 2009 because she knew what she did was wrong, and she did not want to get into trouble.

CONCLUSION

Wherefore, I believe and therefore aver that probable cause exists for the arrest of MICHELLE DAVIS for a violation of Title 18, United States Code, Section 1001(a)(2).